

Regular Meeting
Frankfort Board of Commissioners

November 28, 2005
5:30 P.M.

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Reverend Jackson Brewer, Pastor of the First United Methodist Church. The Pledge of Allegiance was led by John Hammond.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to dispense with the reading and approve as distributed the minutes of the October 24, 2005 Regular Meeting; October 26, 2005 Special Meeting; November 2, 2005 Special Meeting; and November 14, 2005 Work Session. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor May introduced Steve Dawson. Mr. Dawson will begin his duties as City of Frankfort Finance Director on January 3, 2006. Mayor May thanked the Departments of Parks, Recreation and Historic Sites, and Public Works for their work in preparing for and presenting the City Christmas Tree Lighting Ceremony.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to approve the personnel action from the Consent Agenda promoting Daniel Miller to Battalion Chief, effective November 28, 2005. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted. The pin and insignia were presented by Fire Chief Wallace Possich and affixed to the uniform by Battalion Chief Miller's wife and children.

"AN ORDINANCE AMENDING ORDINANCE NO. 3, 2004 SERIES, THE ADOPTED SUBDIVISION AND SITE PLAN REGULATIONS FOR FRANKFORT AND FRANKLIN COUNTY" was presented and read. The Ordinance had its first reading October 24, 2005. It was moved by Commissioner Williams, seconded by Commissioner Carter, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 23, 2005 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 40, POLICE AND FIRE DEPARTMENT, SECTION 40.36 FIRE AND SAFETY INSPECTOR; FIRE TRAINING OFFICER; SECTION 40.37 FIRE PUBLIC EDUCATION OFFICER" was presented and read. The Ordinance had its first reading October 24, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Bryan, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 24, 2005 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES, CHAPTER 37 PERSONNEL; CITY EMPLOYEES, SECTION 37.42 PAY FOR MEMBERS OF FIRE AND POLICE DIVISIONS" was presented and read. The Ordinance had its first reading October 24, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 25, 2005 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES SECTION 115.09 TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE BY THE DRINK BY CERTAIN HOTELS, MOTELS AND RESTAURANTS" was presented and read. This Ordinance allows for the sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants that receive at least 50% of their gross annual income from the sale of food on Sundays, between the hours of 1:00 p.m. and 10:00 p.m., and the sale of distilled spirits, beer or malt beverages and wine by the drink at private clubs between the hours of 1:00 p.m. and 9:00 p.m. on Sunday. This Ordinance had its first reading October 24, 2005. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Ordinance be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan (3). Those voting against the motion were Commissioner Bowers and Mayor May (2). The motion was thereupon adopted (Ordinance No. 26, 2005 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 150.05 IN ITS ENTIRETY BY AMENDING ORDINANCE NO. 14, 1999 SERIES, ORDINANCE NO. 24, 2001 SERIES, ORDINANCE NO. 19, 2003 SERIES, AND ORDINANCE NO. 24, 2003 SERIES BEING THE PROPERTY MAINTENANCE CODE" was presented and read.

"AN ORDINANCE REZONING PROPERTY IDENTIFIED AS A 0.87 ACRE TRACT FOR PROPERTY LOCATED AT 114 & 118 THOMPSON AVENUE OFF OF VERSAILLES ROAD AND FRONTING ON BOTH THOMPSON AVENUE AND GREENHILL AVENUE. MORE SPECIFICALLY DESCRIBED AS PVA MAP #074-43-06-013.00 & #074-43-06-017.00 FROM PROFESSIONAL OFFICE (PO) AND RESIDENTIAL C DISTRICT (RC) TO COMMERCIAL HIGHWAY (CH)" was presented and read.

"AN ORDINANCE REZONING PROPERTY IDENTIFIED AS LOT 5A OF THE RIDGEVIEW ESTATES SUBDIVISION LOCATED ON RIDGEVIEW DRIVE FROM PROFESSIONAL OFFICE (PO) TO HIGH-DENSITY MULTI-FAMILY RESIDENTIAL (RH). MORE SPECIFICALLY DESCRIBED AS PVA MAP #073-40-02-041.00" was presented and read.

"AN ORDINANCE AMENDING CHAPTER 52 OF THE FRANKFORT CODE OF ORDINANCES CONCERNING SEWERS BY SETTING A FEE FOR THE INSTALLATION OF CLEANOUT VAULTS, REVISING THE REFUND POLICY, REVISING THE WIDTH OF SEWER EASEMENTS TO BE GRANTED THE CITY, AUTHORIZING AGREEMENTS FOR BILLING AND COLLECTION, INCORPORATING FOOD SERVICE ESTABLISHMENTS INTO THE INDUSTRIAL PRETREATMENT PROGRAM, MAKING THE REQUIREMENTS OF THE ORDINANCE CONSISTENT WITH THE CITY'S KPDES PERMIT AND REVISING THE PENALTY PROVISIONS" was presented and read.

"AN ORDER RENAMING THE 400 BLOCK OF KENTUCKY AVENUE AS CURATOR COURT AND A PORTION OF KENTUCKY AVENUE AS TAYLOR AVENUE" was presented. Terry Sutton, property owner affected by the change, presented two letters to Commissioners expressing opposition to this Order and requesting they be made part of the official record. Following discussion, it was moved by Commissioner Carter, seconded by Commissioner Williams that the Order be approved. The motion was put upon the question and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 7, 2005 Series).

"RESOLUTION ADOPTING THE FRANKLIN COUNTY/CITY OF FRANKFORT NATURAL HAZARD MITIGATION PLAN" was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 15, 2005 Series).

“A RESOLUTION ENDORSING THE RECOMMENDATION TO REPAIR LOCK 3 AND REOPEN FRANKFORT AND THE BLUEGRASS REGION TO THE OHIO RIVER” was presented. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Resolution be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 16, 2005 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Authorized an agreement with the Frankfort Plant Board for use of half of the parking spaces located on the Old Chevron property at 403 West Second Street; FPB will in return share half of the cost of installing a six-inch water line on Fort Hill property; the cost to FPB for the water line shall not exceed a value of \$90,000.
- 6.2 Authorized the purchase of 44 portable radios for Fire Department personnel; purchase from RCS Communications of Lexington through State Price Contract C-010-0447; cost of \$39,425.00, with trade-in of \$3,135.00 and \$2,160.00 in customer rebates bringing total cost to \$34,130; funds available in account no. 100.40.56550 with \$5,295 in rebates and trade-in will be deposited back into this account (Fire Department).
- 6.3 Authorized purchase of one 2006 Ford F-150 X14 Supercab 4 WD, and one 2006 Ford F-150 Regular Cab pickup trucks, both with towing packages; new vehicles will replace older vehicles in the department to be sold at next city auction; \$20,000.00 budgeted in account no. 100.80.56550 and \$20,000.00 budgeted in account no. 100.86.56550; purchase to be made under State Price Contract No. C-05297095 for total cost of \$36,103.00 (Parks and Recreation).
- 6.4 Authorized establishment of Juniper Hill Golf Rates for 2006 (Golf);
- 6.5 Authorized a professional services agreement with CDP Engineers for the Cave Run Road Drainage Project in the Meadows Subdivision; project will evaluate groundwater and watershed flow characteristics; funds available in Public Works Department's Advisory Technical Account No. 100.61.53210; total cost not to exceed \$20,000.00 (Public Works).
- 6.6 Authorized payment of \$87,500.00 to Frankfort Plant Board for one half of cost to relocate overhead utilities across Ft. Hill to Mero Street; payment in keeping with 2002 agreement with Commonwealth of Kentucky to share equally in utility relocation costs; total costs of \$175,000.00 with City's share \$87,500; funds available in Reserve Contingency Account No. 100.95.53295 (Public Works).
- 6.7 Authorized disposition of 2005 City and County tax bills on property located at 403 West Second Street purchased by the City on September 7, 2005; sellers paid prorated portion of 2005 taxes to City at time of closing; payment of County tax bill #13969 in amount of \$646.40; payment of City tax bill #1413, School portion in amount of \$915.20 payable to Frankfort Independent Schools; exoneration of City tax bill # 1413, City portion in amount of \$315.20 (Finance).
- 6.8 Confirmation of Robert Courtney, Jr., Patrol Officer I, effective 11-16-05 (Police Department).

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Board Appointments

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation and appoint Paul Looney to the Board of Zoning Adjustments, filling a vacant term ending July 1, 2006. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

New Business

Parks Director Steve Brooks presented the Board with a copy of Historic Images of Frankfort, Part II. He reported this book authored by Nicky Hughes, Russ Hatter, and Dr. Gene Burch was the top seller at the recent Kentucky Book Fair. The previous volume was also the number 1 seller at the 2004 Kentucky Book Fair.

Citizen Comments

Terry Sutton spoke stating he would continue to fight the street name change from Kentucky Avenue to Taylor Avenue. He stated this decision was arbitrary.

Jaron Blandford, attorney for Cooter Browns and other businesses presented a petition containing 2000 names opposing the exclusion of bar, tavern and liquor stores from the Ordinance on Sunday alcohol sales. He cited there was no basis to exclude those businesses and asked the Board to reconsider the issue.

Chris Palmer, owner of Cooter Browns, stated he has been in business five years and would like to be able to sell alcohol on Sunday. Commissioner Bowers responded the Board is limited by the KRS and the fight should be at the State level.

Eric Burke, Holmes Street Neighbors, asked the status of the Holmes Street Outlet Tunnel project and the Holmes Street Master Plan project. City Manager Tony Massey reported bids would be opened December 15 for the Outlet Tunnel project. There was discussion regarding the proposed gates and anticipated price increases. Mr. Massey also reported Master Plan proposals were being evaluated.

Jaron Blandford stated the City could lawfully include small businesses and taverns in the Ordinance permitting Sunday alcohol sales.

Joy Jeffries, Frankfort Tourist Commission; Carman Inman, Frankfort Area Chamber of Commerce; and Jeremy Markel, Downtown Frankfort, Inc. expressed thanks to the City for cleaning out the Gooch House gutters.

Tim Jump, pastor of Leestown Gospel Church spoke against passage of the Sunday Alcohol Sales Ordinance. He commented the Commission is in a position of accountability and needed to say enough is enough.

Commissioner Comments

Commissioner Carter recognized the retirement of 27-year employee Gary Lynn; complimented Planning and Building Codes Employee Edith Noe for her pleasant and friendly attitude; commended Frankfort City Police Department for the outstanding job officers do; stated that 639 visitors visited the Capital City Museum during the recent Candlelight Tour; complimented Firefighter Jerry Holton on his culinary expertise to the benefit of his coworker and for the ice sculpture he carved on September 16 for the Kentucky Folklife Festival; recognized Sewer Department employees J. D. Satterwhite and Fred Norman; announced the Christmas Parade would be held December 5 beginning at 7:00 pm, immediately following the State Christmas Tree Lighting ceremony; and commented on the tree grant for East Frankfort Park in conjunction with the Frankfort Plant Board.

Commissioner Bowers commented that due to the Christmas holiday, the next Commission voting meeting would be December 15.

Commissioner Bryan stated the Board did its best to address responsible drinking in the passage of the Sunday Alcohol Ordinance. He stated the next step might be to address training for beverage servers.

Commissioner Williams congratulated Steve Dawson for his appointment as City Finance Director and stated he looked forward to working with him. He asked City Manager Massey the timeframe for completion of architect's plans for the Public Safety Building. Mr. Massey replied the draft plans have been sent back and forth, and he anticipated something concrete in the next couple of months.

On a motion by Commissioner Carter, seconded by Commissioner Bryan, the meeting adjourned at 7:05 p.m.

Mayor

Attest:

City Clerk